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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,382	08/29/2000	SLIM SOUISSI	PF01963NA	9462

20280 7590 09/13/2002

MOTOROLA INC  
600 NORTH US HIGHWAY 45  
LIBERTYVILLE, IL 60048-5343

EXAMINER

LEE, JOHN J

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 09/13/2002

MOTOROLA INC

SEP 18 2002

MOTL PATENT DEPT

Please find below and/or attached an Office communication concerning this application or proceeding.

Rejection

Amendment

Due

13 DEC 2002

**Office Action Summary**

Application No.

09/651,382

Applicant(s)

SOUISSI ET AL

Examiner

JOHN J LEE

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 July 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 34-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34-36, 40-48, and 51-55 is/are rejected.
- 7) ☒ Claim(s) 37-39, 49, and 50 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 34-36, 40-48, and 51-55** are rejected under 35 U.S.C. 102(b) as being anticipated by Kauser et al. (US Patent number 5,724,660).

Regarding **claim 34**, Kauser discloses that a method in a mobile wireless communication handset, comprising:

receiving base station location information of a cellular communication base station (Fig. 5, abstract, and column 3, lines 50 – column 5, lines 64);

receiving a base station cellular area information for the cellular communication base station for which the base station location information is received (Fig. 5-8, abstract, and column 7, lines 9 – column 9, lines 63);

determining a course location of the mobile wireless communication

handset based on the distance to serving base station information and on the cellular area information (Fig. 5-8, abstract, column 7, lines 9 – column 9, lines 63, and column 11, lines 26 – column 12, lines 54).

Regarding **claim 35**, Kauser discloses that determining a refined location of the mobile wireless communication handset based on the course location (Fig. 5-8, abstract, and column 11, lines 26 – column 12, lines 54).

Regarding **claim 36**, Kauser discloses that the mobile wireless communication handset is a global positioning system (GPS) enabled mobile wireless communication handset, determining a GPS based location of the mobile wireless communication device, reducing a GPS search space with the course location when determining the GPS based location of the mobile wireless communications handset (Fig. 5-8, abstract, and column 7, lines 9 – column 9, lines 63).

Regarding **claim 40**, Kauser discloses all the limitation, as discussed in claim 34. Furthermore, Kauser further discloses that receiving a bearing information from the cellular communication base station, determining the course location of the mobile wireless communications handset based on the base station location information, the base station cellular area information, the bearing information, and power measurement (column 5, lines 17 – column 6, lines 67, Fig. 5-8, abstract, and column 7, lines 9 – column 9, lines 63).

Regarding **claim 41**, Kauser discloses all the limitation, as discussed in claims 34 and 40.

Regarding **claim 42**, Kauser discloses all the limitation, as discussed in claims 34 and 35.

Regarding **claim 43**, Kauser discloses all the limitation, as discussed in claims 34 and 40.

Regarding **claim 44**, Kauser discloses all the limitation, as discussed in claim 34. Furthermore, Kauser further discloses that receiving bearing information from a plurality of at least two base stations (Fig. 5, abstract, and column 7, lines 9 – column 9, lines 63), determining a coarse location of the mobile wireless communications handset based on the bearing information (Fig. 5-8, abstract, and column 7, lines 9 – column 9, lines 63);

determining a refined location of the mobile wireless communication handset based on the coarse location (Fig. 5-8, abstract, and column 11, lines 26 – column 12, lines 54).

Regarding **claim 45**, Kauser discloses all the limitation, as discussed in claims 35 and 36.

Regarding **claim 46**, Kauser discloses all the limitation, as discussed in claims 34 and 40.

Regarding **claim 47**, Kauser discloses all the limitation, as discussed in claims 34 and 44.

Regarding **claim 48**, Kauser discloses all the limitation, as discussed in claims 34 and 40.

Art Unit: 2682

Regarding **claim 51**, Kauser discloses all the limitation, as discussed in claims 38 and 40.

Regarding **claim 52**, Kauser discloses all the limitation, as discussed in claims 37 and 47. Furthermore, Kauser further discloses that the transmitting the base station location information, the cellular area, the bearing information in a provide base station almanac message (column 5, lines 17 – column 6, lines 67, Fig. 5-8, abstract, and column 7, lines 9 – column 9, lines 63).

Regarding **claim 53**, Kauser discloses all the limitation, as discussed in claims 37 and 47. Furthermore, Kauser further discloses that the transmitting the base station location information, cellular area, the bearing information in a common message (column 5, lines 17 – column 6, lines 67, Fig. 5-8, abstract, and column 7, lines 9 – column 9, lines 63).

Regarding **claim 54**, Kauser discloses all the limitation, as discussed in claims 34, 44, and 47.

Regarding **claim 55**, Kauser discloses all the limitation, as discussed in claims 53 and 54.

***Allowable Subject Matter***

4. **Claims 37-39, 49, and 50** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2682

Regarding **claims 37-39, 49, and 50**, the cited prior art fail to disclose the limitation "receiving a bearing angular width information for the cellular communication base station" in such particular context as specified in the claims.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fattouche et al. (US Patent number 6,330,452) discloses Network-Based Wireless Location System to Position AMPS Cellular Telephones.

Fitch et al. (US Patent number 6,321,092) discloses Multiple Input Data Management for Wireless Location-Based Applications.

Wax et al. (US Patent number 6,064,339) discloses Subspace Signature Matching for Location Ambiguity Resolution in Wireless Communication Systems.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT").


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Art Unit: 2682

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is (703) 306-5936. He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Vivian Chin**, can be reached on (703) 308-6739. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

J.L  
September 7, 2002

John J Lee

  
9/9/02

NGUYENT.VO  
PRIMARY EXAMINER